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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,161	11/04/1999	TAKEO OHISHI	041-1903A	3559

7590

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 07/30/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/434,161**

Applicant(s)  
**Ohishi et al.**

Examiner  
**Boccio, Vincent**

Art Unit  
**2615**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 4, 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3, 4, 14-16, 20-24, 28-32, and 38-44 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 4, 14-16, 20-24, 28-32, and 38-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/748,643.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2615.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless --  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
2. Claims 3-4, 14-16, 20-24 and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Gestel et al.  
(US 5,953,483).

Regarding claims 3-4, 20-22 and 38-41, discloses and meets the limitations as recited in the claims associated with a method and apparatus for recording and reproducing packets onto a storage medium, comprising:

in the recording apparatus and method with respect to Fig.

4,

generating time control clocks in synchronism with time stamps arrival time information (PCR, "108 & time stamp packets", "102 & 104 Add Time Stamp", also "Xtal 112 & PLL 110");

forming tracks with a record starting position or a reference position,

wherein the reference position being defined on one of the

tracks which correspond to an arrival time (see PCR) of each of the packets (Figs. 8-10, "6 track Ref.", "track start" and "reset"), associated with forming tracks on the storage medium (106, drum with recording heads for example associated with the medium);

recording the packets with the time stamps in order of arrival time within a given area from a reference along the tracks, as claimed (see medium data structures Fig. 9-11, packets are received sequentially and recorded and added).

Fig 4

It is noted that Fig. 4, of Van Gestel is substantially the same as applicant's invention illustrated in Fig. 1.

It is also noted that Fig. 8, of Van Gestel is substantially the same as applicant's invention illustrated in Fig. 9.

Regarding claims 14-16, recite, in the reproduction apparatus and method reproducing the packets from the medium on formed tracks in time sequence generating output time clocks which correspond to positions of the tracks which

undergo delays to a given area on the tracks formed on the medium, which correspond to a time interval of one track (Fig. 8, "1 track delay 140") of the reproduction embodiment (of Fig. 8) and outputting the packets with timing determined by the time stamps on a basis of the time clocks (also see "time stamp

packets", "remove time stamps", "comparator 144" and "DSP 102'"), wherein the packets with time stamps are reproduced, output time is initialized from the output time stamps, on the basis of the clocks, using PCR, program clock reference associated with the MPEG standard (cols. 5, 10-11, "MPEG and PCR", etc.....).

Regarding claims 23-24, reproducing time stamps which are added during the recording operation (Fig. 4, "DSP & ADD TIME STAMPS")

clock generating means a given frequency (Fig. 4 & 8, "112 & 112', both are 27 MHZ XTALs"),

outputting clocks signals associated with delays (Fig. 8, "time stamp packets", "140, 1 track delay and 6 track delay, time stamps ref., 6 track ref."),

to a comparing means ("comparator 144") and outputting packets which the time stamps have been added in the recording function in Fig. 4, during reproduction with respect to Fig. 8,

wherein Van Gestel, as described at col. 2, lines 13-17, states, "recording .. packets using generated time stamps, and reproducing using the time stamps included in the packets.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 28-32 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gestel et al. (US 5,953,483).

Regarding claims 28-32, Van Gestel describes in the background, col. 1-2, MPEG and the transport stream, receiving via a cable network, but, the embodiments identified by the examiner fail to provide the details of a digital broadcasting receiver, having a digital demodulating means, with packets having time control packets with time control information with a flag to identify the time information (considered to be an inherent part of the transport stream or the ID for the PCR clock or met by the header or ID identifying the PCR clock data associated with an MPEG multi-program transport stream having PCR clock reference packets, in accordance with MPEG standard, associated with broadcasts) selecting means, selecting at least one of the programs, ID information to identify the control packet (as understood met by Fig. 4, "start of TS packet", detector "130"); thereafter to be decoded based on the detected ID information and selecting two or more programs which have

different IDs.

The examiner takes official notice that it is well known that a broadcast tuner (11), for receiving an MPEG transport stream is well known to those skilled in the art with respect to the MPEG standard for the transport stream), providing means for demodulating means wherein the packetized information received has ID information, associated with PMT, PAT and PSI, used for identifying the program/programs of interest, providing a decoding means, in order to record the received programs, therefore receiving and recording multiple programs having different IDs.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Van Gestel by incorporating a digital broadcast tuner, thereby providing means for receiving, tuning, demodulating a transport stream signal, detecting PAT, PMT and the associated IDs for desire programs to be recorded from the transport stream, selecting a programs or programs, as desired, for recording, as is considered to be conventional digital tuner receiving an MPEG multi program transport stream as is well known to those skilled in the art.

Regarding claims 42-44, the combination renders obvious to receive a multi program transport received thru the digital broadcast tuner.

Contact Fax Information

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

5. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vin  
July 26, 2003

  
VINCENT BOCCIO  
PRIMARY EXAMINER